

Liza M. Walsh
Hector D. Ruiz
Kately O'Reilly
CONNELL FOLEY LLP
One Newark Center
1085 Raymond Blvd, 19th Floor
Newark, NJ 07102
Tel.: (973) 757-1100
Fax: (973) 757-1090
lwalsh@connellfoley.com
hruiz@connellfoley.com

Attorneys for Defendant and Counterclaim-Plaintiff Telebrands Corp.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ZURU LTD.,)	Civil Action No. 15-CV-00548-CCC-MF
)	
Plaintiff,)	Hon. Claire C. Cecchi, U.S.D.J.
)	Hon. Mark Falk, U.S.M.J.
v.)	
)	
TELEBRANDS CORP.,)	ORDER TO SHOW CAUSE FOR A
)	TEMPORARY RESTRAINING ORDER
Defendant.)	AND PRELIMINARY INJUNCTION
-----)	
)	
TELEBRANDS CORP.,)	
)	
Counter-Plaintiff,)	
)	
v.)	
)	
ZURU LTD., ZURU INC., ZURU TOYS)	
INC. aka and/or dba ZURU TOYS LTD.)	
TINNUS ENTERPRISES, LLC and)	
TINNUS TECHNOLOGY, LLC,)	
)	
Counter-Defendants.)	

THIS MATTER having been brought before the Court on the application of Counterclaim-Plaintiff Telebrands Corp. ("Telebrands"), for an Order requiring Counterclaim-Defendants ("Counterclaim Defendants") to show cause why a temporary restraining order and a preliminary injunction should not be entered against them preventing Counterclaim Defendants from improperly contacting and threatening Telebrands' customers with respect to the new products being marketed by Telebrands under the names BATTLE BALLOONS and BATTLE BALLOONS COLOR COMBAT (collectively, "BATTLE BALLOONS products"); and the Court having considered Telebrands' Memorandum of Law in Support of Its Application for an Order to Show Cause, Declaration of Ajit Khubani in Support of Order to Show Cause (with exhibits), Expert Declaration of Ken Kamrin, Ph.D. in Support of Order to Show Cause (with exhibits), the arguments of counsel, and the pleadings in this action; and for good cause shown;

IT IS on this 23 day of December, 2015,

ORDERED that on the 6 day of January, 2016 at 2:00 pm, or as soon thereafter as counsel may be heard, Plaintiff shall show cause before the Honorable Claire C. Cecchi, U.S.D.J., at the United States District Court for the District of New Jersey, located at 50 Walnut Street in Newark, New Jersey, why a preliminary injunction should not be entered:

- (a) Enjoining Counterclaim Defendants and their officers, directors, owners, attorneys, agents, employees, subsidiaries, affiliates and/or assigns, and all those acting in concert or participation with them who receive actual notice of this order by personal service or otherwise, from communicating about Telebrands or its products to Telebrands' customers and prospective customers, without first following the review procedures mandated in Paragraph 4 of this Court's Consent Order of May 15, 2015 (Dkt. 87); and

- (b) Enjoining Counterclaim Defendants and their officers, directors, owners, attorneys, agents, employees, subsidiaries, affiliates and/or assigns, and all those acting in concert or participation with them who receive actual notice of this order by personal service or otherwise, from falsely telling Telebrands' customers and prospective customers that Telebrands' new BATTLE BALLOONS products infringe U.S. Patent No. 9,051,066 (the "'066 patent"); and
- (d) Awarding any other such equitable or injunctive relief as the Court deems equitable, just and appropriate.

IT IS FURTHER ORDERED that:

- (a) Pending further hearing on this Order to Show Cause, Counterclaim Defendants are temporarily enjoined and restrained from (i) communicating about Telebrands or its products to Telebrands' customers and prospective customers, without first following the review procedures mandated in Paragraph 4 of this Court's Consent Order of May 15, 2015 (Dkt. 87); and (ii) falsely telling Telebrands' customers and prospective customers that Telebrands' new BATTLE BALLOONS products infringe the '066 patent;
- (b) A copy of this Order to Show Cause, together with all supporting papers, shall be served by Telebrands on the Defendants by 5:00 p.m. on December 24, 2015;
- (c) Counterclaim Defendants shall file and serve a written response to this Order to Show Cause and proof of service by December 29, 2015. A courtesy copy of the opposition papers must be sent directly to the Chambers of the Hon. Claire C. Cecchi, U.S.D.J.;

(d) Telebrands shall file and serve any written reply to the Counterclaim Defendants' opposition to the Order to Show Cause by January 4, 2016. A courtesy copy of the reply papers must be sent directly to the Chambers of the Hon. Claire C. Cecchi, U.S.D.J.;

(e) Telebrands shall be required to post a bond With the Clerk of Court in the amount of \$25,000.00

(f) Telebrands shall submit to the Court a proposed form of Order addressing the relief sought on the return date no later than three (3) days before the return date;

(g) If Counterclaim Defendants do not file and serve opposition papers to the Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that Telebrands file a proposed form of Order at least three (3) days prior to the return date; and

(h) The Court will hear oral argument on Telebrands's Motion for a Preliminary Injunction and ZURU's Motion for a Preliminary Injunction on January 6, 2016 at 2:00 pm

(i) The temporary restraints herein shall remain in effect until January 6, 2016, or such time as this Court further orders.



Honorable Claire C. Cecchi, U.S.D.J.